

**IN THE UNITED STATES COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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In re Scotts EZ Seed Litigation	:	12-CV-4727 (VB)
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**NOTICE OF MOTION FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that upon: (1) the accompanying Memorandum of Law, and (2) the Declaration of Joseph I. Marchese, and the Exhibits attached thereto (including the Parties' Stipulation of Settlement), Plaintiffs, through their undersigned attorneys, will move this Court, before the Honorable Vincent L. Briccetti, United States District Court Judge, Southern District of New York, at the Charles L. Brieant Jr. Federal Building and United States Courthouse, 300 Quarropas Street, White Plains, New York, for an Order, pursuant to Federal Rule of Civil Procedure 23(e): (i) granting preliminary approval of the Class Action Settlement; (ii) provisionally certifying the Settlement Class under Federal Rule of Civil Procedure 23(b)(3) in connection with the settlement process; (iii) appointing Michael Arcuri, David Browne, Gwen Eskinazi, Stacy Lonardo, Lance Moore, Vance Smith, and Nancy Thomas as the Class Representatives for the Settlement Class; (iv) appointing Bursor & Fisher, P.A. and Faruqi & Faruqi, LLP as Class Counsel for the Settlement Class; (v) establishing procedures for giving notice to members of the Settlement Class; (vi) approving forms of notice to Class Members; (vii) mandating procedures and deadlines for class exclusion requests and objections; (viii) setting a date, time, and place for a final approval hearing; and (ix) granting such other, further, or different relief as the court deems just and proper.

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A Proposed Preliminary Approval Order is submitted herewith.

Dated: June 4, 2018

Respectfully submitted,

BURSOR & FISHER, P.A.

By: /s/ Joseph I. Marchese
Joseph I. Marchese

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